

In the United States Patent and Trademark Office

Applicants: Michael J. Faulks et al.
Serial No.: 09/900,359
Confirmation No: 7546
Filed: 07/06/2001

Docket No.: 14676.14
Group: 3724
Examiner: Charles Goodman
Date: August 8, 2003

For: **SYSTEM FOR DISPENSING
PLURALITY OF WET WIPES**

Response to Restriction Requirement Without Traverse

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Communication mailed 07/29/2003, the Applicants affirm their previous election of the Group I claims to be prosecuted by way of the present application electing claims 1 - 28 for prosecution in the present application. The Applicants also affirm their election of Species I shown in Figures 1 - 11 and 30 - 32. The Applicants also affirm that Claims 1 - 28 are readable on Species I.

The Office Action mailed on July 29, 2003 stated that: "None of the Figures relating to the elected Species have any flexible elastic sealing orifice." The Applicants respectfully traverse the Examiner's statement. A flexible elastic sealing orifice is discussed in the specification at page 36, line 27 through page 37, line 10:

The dispenser can include a flexible elastic sealing orifice through which wet wipes from the plurality of separably joined wet wipes can be dispensed from the sealed chamber. As seen in the accompanying figures, this is the wiper blade 10/74 (e.g., Figures 9, 30 and 31) in combination with the adjacent lip 31 of the cartridge or tray of the dispenser. Examples of flexible elastic sealing orifices are also seen in the pending US applications entitled FLEXIBLE ORIFICE FOR WET WIPES DISPENSERS, and WET WIPE CONTAINER WITH FLEXIBLE ORIFICE, just mentioned. The flexible elastic sealing orifice can seal the wet wipes with a space no greater than, and in order of increasing advantage, 3 mm, 2 mm, 1 mm, 0.5 mm, 0.25 mm or about 0 mm, as such space is defined by the maximum width of the opening formed between any two opposing cooperating parts of the flexible elastic sealing orifice (e.g., slit 340 defined between sides 352 in Figures 41-45) or between the flexible elastic sealing orifice and a cooperating part of the dispenser (e.g., the space between the wiper blade 10 and cartridge lip 31 in Figure 9).

Thus, the flexible elastic sealing orifice, as defined in the specification, is shown in Figures 1 - 11 and 30 - 32 identified by the Examiner in the Office Action dated April 1, 2003 as Species I.

The Applicants have reviewed the application and claims and remain of the opinion that claims 1 - 28 are readable on Species I. Independent claims 1 and 16 each recite, among other limitations, a dispenser comprising a flexible elastic sealing orifice. Both elements are illustrated in Figures 1 -11 and 30 - 32 identified by the Examiner as Species I. Claims 2 - 15, and 17 - 28 are dependent on either claim 1 or claim 16 and, as such, are readable on the elected species.

The Applicants affirm that this election is made without traverse. The Applicants specifically reserve the right to seek patent protection for non-elected subject matter by divisional application. Furthermore, the Applicants believe that this response is timely filed and, as such, a petition for additional time and extension fees are not required. However, should the Examiner determine otherwise, the Examiner is authorized to charge any required prosecutorial fees to deposit account number 11-0875.

The undersigned may be reached at: (920) 721-7760

Respectfully submitted,

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OFFICIAL

CERTIFICATE OF FACSIMILE

I, Lanette Burton, hereby certify that on August 8, 2003, this document is being transmitted via facsimile to the Commissioner for Patents at the United States Patent and Trademark Office in Alexandria, VA 22313-1450 to RightFax number (703) 872-9302.

By: Lanette Burton
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